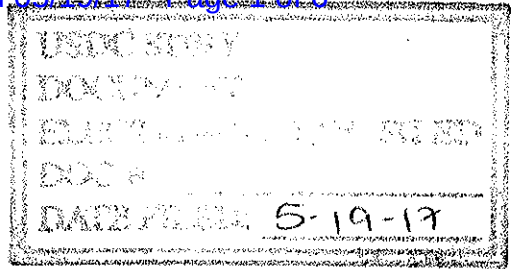


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
UNITED STATES OF AMERICA
:
-v.
:
ANTHONY WEINER,
:
Defendant.
:
----- x



: CONSENT PRELIMINARY ORDER
OF FORFEITURE AS TO
:
:
:
17 Cr. 307 (DLC)

WHEREAS, on or about May 19, 2017, ANTHONY WEINER (the "defendant"), was charged in a one-count Information, 17 Cr. ____ () (the "Information"), with the transfer of obscene material to a minor, in violation of Title 18, United States Code, Section 1470 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1467, of any and all obscene material produced, transported, mailed, shipped, or received in violation of the offense charged in Count One of the Information; any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense charged in Count One of the Information; and any and all property, real or personal, used or intended to be used to commit or to promote the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency

representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information, and the following specific property:

a. One iPhone, Serial No. F73PN3KRG5MG (the "Specific Property");

WHEREAS, on or about May 19, 2017, the defendant pled guilty to Count One of the Information and admitted the forfeiture allegation with respect to Count One of the Information, pursuant to a plea agreement with the Government, wherein he agreed to forfeit all right, title and interest of the defendant in the Specific Property, which was used to commit or to promote the commission of the offense charged in Count One of the Information; and

WHEREAS, the defendant consents to the forfeiture of all his right, title and interest in the Specific Property;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Joon H. Kim, Acting United States Attorney, Assistant United States Attorneys Amanda Kramer and Stephanie Lake, of counsel, and the defendant, and his counsel, Arlo Devlin-Brown, Esq. that:

1. As a result of the offense charged in Count One of the Information, all of the defendant's right, title and interest in the Specific Property is hereby forfeited to the

United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the defendant, ANTHONY WEINER, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the Marshals Service and/or its designee is authorized to seize the Specific Property and hold the Specific Property in its secure, custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture as to Specific Property. Any person, other than the defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the

first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to 21 U.S.C. § 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

8. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific

Property, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Sarah K. Eddy, Co-Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SPACE INTENTIONALLY

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14. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

JOON H. KIM
Acting United States Attorney for the
Southern District of New York

By: 

AMANDA KRAMER/STEPHANIE LAKE
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2478/1066

5/19/17
DATE

ANTHONY WEINER
Defendant

By: 

ANTHONY WEINER

5/19/17
DATE

By: 

ARLO DEVLIN-BROWN, ESQ.
Attorney for Defendant
Covington & Burling LLP
620 Eighth Avenue
New York, NY 10018

5/19/17
DATE

SO ORDERED:


UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

5/19/17
DATE